

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60279  
Conference Calendar

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PATRICK L. HIGGINS, SR.,

Plaintiff-Appellant,

versus

STATE OF MISSISSIPPI; STEVE W. PUCKETT,

Defendants,

STEVE W. PUCKETT,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:96cv46OLN  
- - - - -

December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Patrick J. Higgins, Sr., Mississippi prisoner # 53197, appeals the district court's dismissal of his 42 U.S.C. § 1983 action. Higgins argues that the assessment of fees for nonemergency medical services pursuant to Miss. Code Ann. § 47-5-179 (West Supp. 1996) violates his rights under the Ex Post Facto Clause of the United States Constitution. Because neither the

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

assessment of medical fees nor the nonpayment of the medical fees would affect the length of Higgins' confinement, Higgins has not shown that the application of the new statute violated his rights under the Ex Post Facto Clause. See Lynce v. Mathis, 117 S. Ct. 891, 896 (1997)(a law violates the Ex Post Facto Clause if it is retrospective and disadvantages the offender by altering the definition of criminal conduct or by increasing punishment for offense).

AFFIRMED.